

If I see something, say something, SHH.

UNITED STATES DISTRICT COURT
~~SOUTHERN DISTRICT OF NEW YORK~~
Northen West Virginia

FILED

NOV 13 2023

U.S. DISTRICT COURT- WVND
MARTINSBURG, WV 25401

SERGE L. GORNEFF

3:23CV233

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

Metropolitan Commercial Bank
in NYC (CRYPTO.COM and
defi wallet CRYPTO.COM)

COMPLAINT

Do you want a jury trial?

☐ Yes ☒ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☐ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

N/A

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, SERGE GORNEFF, is a citizen of the State of
(Plaintiff's name)

USA (WV)
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

N/A

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, RUSLAN ILISHAYEV, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

N/A

If the defendant is a corporation:

The defendant, R. ILISHAYEV, is incorporated under the laws of
the State of N/A

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

<u>SERGE</u>	<u>L.</u>	<u>CORNEFF</u>
First Name	Middle Initial	Last Name
<u>219 STEPHANIE WAY</u>		
Street Address		
<u>CHARLES TOWN</u>	<u>WV</u>	<u>25414</u>
County, City	State	Zip Code
<u>240-447-9687</u>	<u>Sgorneff@hotmail.com</u>	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: Mr. RUSHAN ILISHAYEV
 First Name Last Name
Vice President MCBank in NYC (CRYPTO.COM)
 Current Job Title (or other identifying information)
99 PARK AVENUE, 12th floor
 Current Work Address (or other address where defendant may be served)
New York NY 10016
 County, City 718-851-2105 State Zip Code

Defendant 2: Ms. SAMIRA ASSIL
 First Name Last Name
Vice President of MCBank in NYC (CRYPTO.COM)
 Current Job Title (or other identifying information)
99 PARK Ave.
 Current Work Address (or other address where defendant may be served)
New York NY 10016
 County, City State Zip Code

Defendant 3: Ms. ROSEANN MANOS
 First Name Last Name
MC Bank in NYC, Vice President (CRYPTO.COM)
 Current Job Title (or other identifying information)
16 West 46th Street
 Current Work Address (or other address where defendant may be served)
New York NY 10036
 County, City State Zip Code

Defendant 4:

DAVID

EISENBERGER

First Name

Last Name

Vice President of MC Bank in NYC (CRYPTO.COM)

Current Job Title (or other identifying information)

99 PARK Ave., 12th floor

Current Work Address (or other address where defendant may be served)

New York

NY

10016

County, City

State

Zip Code

866.363-8226

800.852-7632

212.365-6700

III. STATEMENT OF CLAIM

Place(s) of occurrence: Metropolitan Commercial Bank in NYC
(CRYPTO.COM, DEFI CRYPTO.COM)

Date(s) of occurrence: 11/1/2023

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

I deposit my money to Metropolitan Commercial Bank in NYC (CRYPTO.COM). After has been transferred by bank to CRYPTO.COM and Defi Wallet CRYPTO.COM. My funds has been sent to pledging WITHOUT my authorization. Pledging is technically in Ponzi Scheme in ETH Finance option. I can't withdraw my funds back to me. Customer service of MC Bank not working in this case. Hard copies of my funds transactions from my banks (CAPITAL ONE and CHASE) to MC Bank (CRYPTO.COM) can be declared at Request.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

W/A

(damage to health, destabilized nervous system)

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Expecting return my funds (62,137 USD)

I have opened a defi 3732 wallet Cypto.com account with the amount of 24,137 USDT. My business partner sent 38,000 USDT to this account which increased the principle of the account to 62,137 USDT. Later on December 13, 2022 this amount was transferred to pledging without my authorization and was blocked because the account did not meet the requirement of the pledging, which is having 100,000 in my account. In this matter is unauthorized transfer had been occurred.

As a result, I do not have an access to my account. Since, I was not informed of the pledging requirement in advance, I believe this activity is illegal and can be classified as fraud. Also according to the Patriot Act I feel it is my responsibility to notify you about this activity.

US CODE & 18,

FRAUD,

FALSE ADVERTISING,

CONSPIRACY,

WHITE COLLAR CRIMINAL ACTIVITY,

ORGANIZED CRIME,

Tax envision from ponzi scheme in Defi Crypto. Crypto application directly connected to Defi Crypto for transfer money and funds back and force anytime.

18 U.S.C. &371, 18 U.S. Code chapter 96; sections 157, 659, 891, 892, 893, 894, 1028, 1029, 1343, 1351, 1503, 1510, 1832, 1954, 1956.

To resolve the problem, I would appreciate you helping me to get an access to my account.

I am looking forward to your reply and resolution to my problem. I will wait to your response before seeking help from a consumer protection agency or other assistance. Please, contact me at the beloved address or by phone at 240 447 9687,

Sgorneff@hotmail.com

Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Serge Gorneff', with a stylized flourish at the end.

Serge Gorneff